



U. S. Army Corps
of Engineers
Honolulu District

Public Notice

Public Notice No. 200200400

Dated: 24 SEP 2002

Reply to: U.S. Army Corps of Engineers
Guam Regulatory Branch
PSC 455, Box 188
FPO AP 96540-1088

Respond By: 24 OCT 2002

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT 200200400

1. APPLICANT: Proa, Inc.

APPLICANT'S AGENT: Douglas Rankin

2. APPLICABLE STATUTORY AUTHORITIES: Section 10, River and Harbor Act of 1899 (33 U.S.C. 403).

3. LOCATION OF PROPOSED ACTIVITY: Unai Denikuio, San Antonio, Saipan, CNMI.

4. DESCRIPTION OF PROPOSED ACTIVITY: The applicant proposes to conduct exploratory excavations prior to determining whether the expenditure of additional resources is warranted in the search for materials remaining from the Spanish era shipwreck, Nuestra Senora de le Concepcion. A Department of the Army permit, file number PODCO-O 1973-SD, was issued on February 10, 1987. Substantial salvage work was done under that permit and artifacts from that operation are on display at the CNMI Museum. The applicant proposes to conduct these exploratory excavations in sand channels located at the edge of the reef flat in water as deep as 20 feet. A hydraulic pump will be used to excavate 33 sites removing a total of 33 cubic yards of coarse-grained sediments. The excavated material would be disposed of in the water near the excavation site. Should sufficient artifacts be found a larger scale salvage operation might be proposed. This would require additional and separate review as a new application.

All work would conform to the attached drawings (3 sheets) entitled "Proa Project Typical Work Methods" that are undated.

5. IMPACTS OF THE PROPOSED ACTION ON THE ENVIRONMENT: The project is not expected to have any impact on the Essential Fish Habitat zone in the CNMI. The project would result in a temporary lowering of water quality due to the suspension of sediments. However, since this is an area routinely exposed to large waves the sediments should consist largely of coarse-grained materials. Sea turtles may be found in this area. Work would stop should sea turtles or other species listed on the endangered species list enter the work area. Any burrowing or sessile organisms in the area to be excavated could be killed by the excavation and subsequent re-discharge of the sediments. The applicant states that there are live coral colonies in the project area.

6. IMPACTS ON CULTURAL RESOURCES: The latest National Register of Historic Places was consulted. The shipwreck is eligible for listing for inclusion on the National Register. A copy of this notice was sent to the CNMI Historic Preservation Office and the U.S. National Park Service for their review and comment in conformance with Section 106, National Historic Preservation Act.

7. IMPACTS ON ENDANGERED SPECIES: The latest list of threatened and endangered species was consulted. The Green Sea turtle (*Chelonia mydas*) and the Hawksbill Sea turtle (*Eretmochelys imbricata*) may occasionally be found in the project area. A copy of this notice was sent to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for their review and comment in conformance with Section 7 of the Endangered Species Act.

8. OTHER GOVERNMENT AUTHORIZATIONS: The applicant is required to obtain the following certifications prior to the issuance of the Department of the Army Permit:

a. Federal Coastal Zone Consistency Determination from the CNMI Coastal Zone Management Office (CRMO). The applicant's CRMO permit application and accompanying data and information are available for public review at the CRMO. Comments on the consistency statement should be submitted in writing to the CRMO no later than 30 days from the date of this notice.

b. Section 401 Water Quality Certification from the CNMI Department of Environmental Quality.

The Department of the Army permit does not obviate the need for the applicant to obtain other Federal, State or local authorizations required by Federal, State or local laws.

9. EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The evaluation will apply the guidelines promulgated by the Administrator, U. S. Environmental Protection Agency, under authority of Section 404(b)(1) of the Clean Water Act.

10. COMMENTS AND INQUIRIES: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of

Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Interested parties may submit in writing any comments that they may have on the proposed activity. Comments should be submitted to this District no later than 30 days from the date of this notice. Written inquiries and comments should be mailed to the address indicated in the letterhead and should make reference to this public notice number.

Further information may be obtained from the Guam Regulatory Branch, U.S. Army Corps of Engineers, PSC 455, Box 188, FPO AP 96540-1088 or by telephone (671) 339-2108, by fax at (671) 339-2306 or by e-mail at:

Francis.M.Dayton@usace.army.mil

It is Corps of Engineers policy that any objections will be forwarded to the applicant for resolution or rebuttal before a final decision is made on the application. If the objecting party so requests, all personal information will be deleted from the forwarded letter or the objections will be paraphrased in summary form.

11. REQUEST FOR PUBLIC HEARING: Within 30 days from the date of this notice, any person may request, in writing, that the U.S. Army Corps of Engineers, Honolulu District, hold a public hearing to consider this Department of the Army permit application. Requests for public hearings shall state clearly and concisely, the reasons and rationale for wanting to hold a public hearing.

Encl
Drawings (3 sheets)

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Proa Project Vicinity Map and Work Area Limits

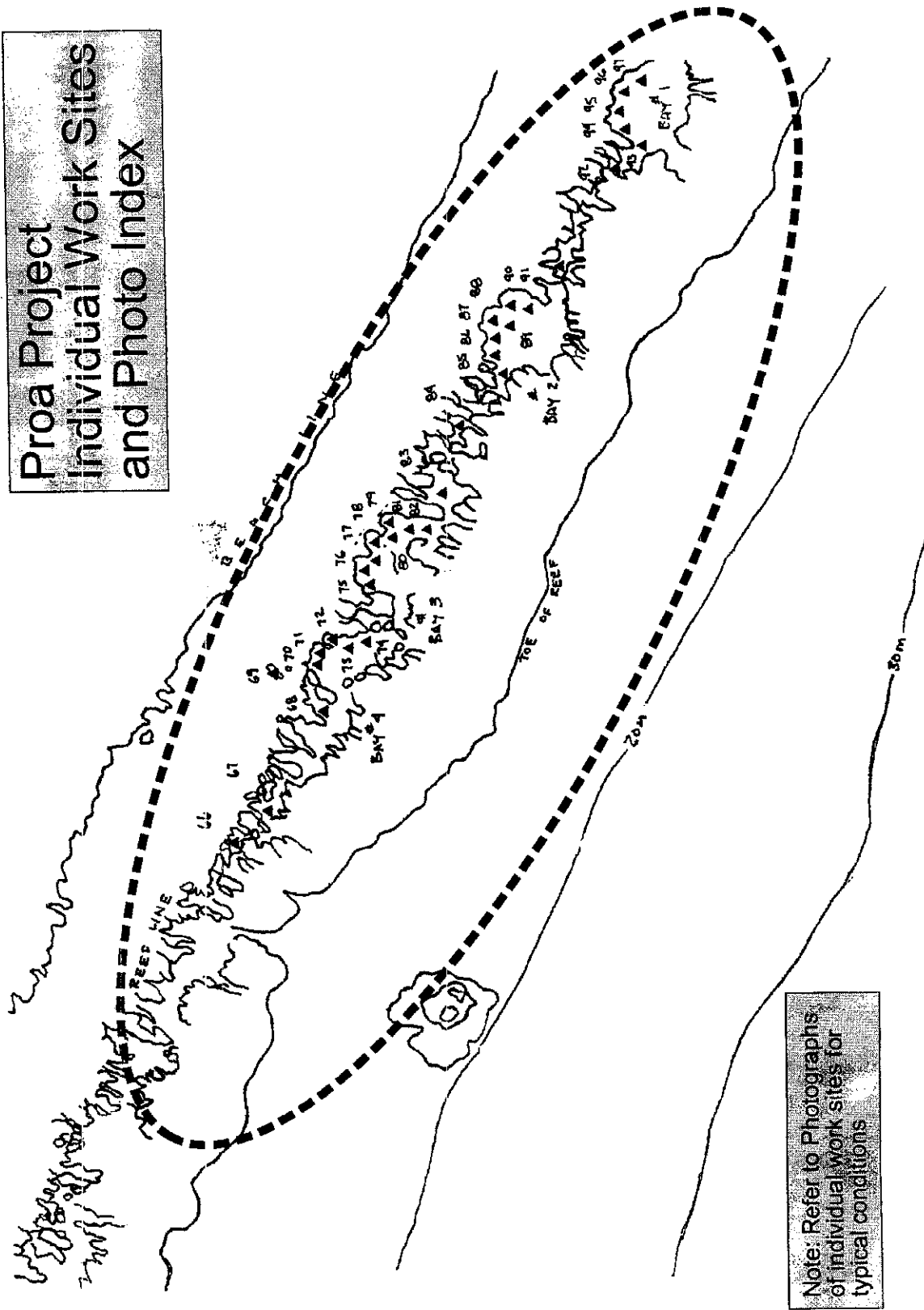
Pt. Agingan

Refer to
Individual Work
Sites and Photo
Index sheet

Note: Work area is delineated
by approved research survey
between shoreline and
approx. 100-meter contour.

Figure 1. Vicinity Map and Project Area.

Proa Project Individual Work Sites and Photo Index



Proa Project Typical Work Methods

